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Attorneys for Defendant Club Demonstration Services, Inc.

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF ALASKA**

**U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**CLUB DEMONSTRATION SERVICES,  
INC.**

Defendant.

Case No. 1:19-CV-00007-HRH

**MOTION TO EXTEND DEADLINE  
TO IDENTIFY EXPERT WITNESSES**

Pursuant to Rules 16(b)(4) of the Federal Rules of Civil Procedure and Miscellaneous Order 21-14 (B)(3), Defendant moves for a three-day extension of time from August 23, 2021<sup>1</sup> until August 26, 2021 to identify expert witnesses.

Defendant submits that good cause exists to extend the deadline as the parties have been working in good faith to try and resolve, or at least narrow, various discovery related disputes that have arose between the parties, including, but not limited to, certain

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<sup>1</sup> ECF 90 at p. 2 (Section II.C.6).

objections the EEOC has raised to records and deposition subpoenas Defendant issued related to Terry Baker's health history and ongoing treatment. Defendant and EEOC have also been conferring about Defendant's intention to seek a Rule 35 examination of Ms. Baker. These conferrals and Defendant's continued evaluation and research into these outstanding issues impact Defendant's consideration of whether it will identify one or more expert witnesses in this case. While Defendant is working towards a final decision on whether it will identify one or more expert witnesses, a short extension of time is needed. Defense counsel intends to use the additional requested time to continue to confer with Defendant's representatives and proposed expert witnesses to make a final decision and finalize any necessary identification disclosure.

Because the proposed deadline adjustment would apply to both parties and the next deadlines related to expert witnesses are not until September 7, 2021<sup>2</sup>, Defendant is unaware of any prejudice that would be imposed upon Plaintiff if this requested relief is granted. While Defendant does not believe that the September 7, 2021 deadlines need to be adjusted, it has no objection to moving that deadline back an equal amount of time (to September 10, 2021).

Nothing herein is intended to waive either parties' respective right to seek additional court relief concerning future expert witness related deadlines (which may be impacted by the outcome of certain discovery issues) should either party deem

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<sup>2</sup> ECF 90 at p. 2 (Section II.C.6) (September 7, 2021 is the deadline for the parties to identify any responsive supplemental expert witnesses and for the Plaintiff to disclose any expert witness reports).

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appropriate.

For the reasons outlined herein, Defendants respectfully requests that a three-day extension be granted and the deadline for the parties to identify expert witnesses is moved from August 23, 2021 to August 26, 2021.

Defendant has conferred with EEOC's counsel regarding this requested relief and shared a copy of this motion with him before filing but EEOC's counsel was not in a position to provide the EEOC's position on the requested adjustment before this motion was filed. If Defendant learns that the motion is unopposed or if the parties can reach an agreement on a joint motion, it will timely notify the Court.

Respectfully submitted,

Dated this 23rd day of August, 2021.

LITTLER MENDELSON  
Attorneys for Defendant Club Demonstration Services,  
Inc.

By: /s/ Renea I. Saade  
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